

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. *(Cancelled)*.

2. *(Currently Amended)* A disk apparatus which reproduces information by irradiating an optical beam to a disk, the disk apparatus comprising:

a photodetector which comprises two or more photodetection cells, receives a reflected light from a disk, and outputs a photodetection signal based on the received reflected light;

a first tracking error signal generator which detects a phase difference between the photodetection signals from the photodetector, and generates a first tracking error signal corresponding to the phase difference;

a first variable amplifier which varies the amplitude of the first tracking error signal;

a second tracking error signal generator which detects a level difference between the photodetection signals from the photodetector, and generates from the photodetection signal a second tracking error signal corresponding to the level difference;

a second variable amplifier which varies the amplitude of the second tracking error signal;

an adder ~~a combining unit~~ which adds ~~combines~~ the first and second tracking error signals generated by the first and second variable amplifiers, ~~and provides a~~ to provide an added combined tracking error signal;

a muting unit which mutes the first tracking error signal when the first tracking error signal amplitude is lower than a predetermined reference, and mutes the second tracking error signal when the second tracking error signal amplitude is lower than a predetermined reference; and

a tracking control unit which controls tracking by using the added ~~tracking~~ error signal provided from ~~combined by the adder combining unit~~.

3. *(Currently Amended)* A disk apparatus which reproduces information by irradiating an optical beam to a disk, the disk apparatus comprising:

a photodetector which comprises two or more photodetection cells, receives a reflected light from a disk, and outputs a photodetection signal based on the received reflected light;

a first tracking error signal generator which detects a phase difference between the photodetection signals from the photodetector, and generates a first tracking error signal corresponding to the phase difference;

a first variable amplifier which varies the amplitude of the first tracking error signal;

a second tracking error signal generator which detects a level difference between the photodetection signals from the photodetector, and generates from the photodetection signal a second tracking error signal corresponding to the level difference;

a second variable amplifier which varies the amplitude of the second tracking error signal;

~~an adder~~ ~~a combining unit~~ which ~~adds~~ ~~combines~~ the first and second tracking error signals generated by the first and second variable amplifiers, and provides ~~[[a]]~~ ~~an added~~ ~~combined~~ tracking error signal;

a muting unit which mutes one of the first and second tracking error signals when the amplitude of the one of the tracking error signals is lower than a predetermined reference; and

a tracking control unit which controls tracking by using the ~~added~~ tracking error signal ~~provided from the adder~~ ~~combined by the combining unit~~.

4.-8. *(Cancelled)*.